

REMARKS

Claims 4, 7, 9-11, 33 and 38 presently appear in this case. All of the claims have been indicated to be allowable subject to correction of informalities. The Official Action of July 13, 2006, has now been carefully studied. Reconsideration and allowance are hereby respectfully urged.

Claims 4, 7, 9-11, 33 and 38 have been objected to for failing to comply with the sequence rules. The examiner has stated that the present claims are in condition for allowance, except that claims 7 and 38 (and the specification) must be amended to insert a sequence ID number for the entire polypeptide including SEQ ID NO:1 as a linker and that a new sequence listing must be provided with this new sequence ID number.

Claims 7 and 38 have now been amended in order to insert reference to such a sequence ID number and the present specification has been amended on pages 8 and 30 in order also to refer to this new sequence ID number.

Applicants have added into the present specification a substitute paper copy Sequence Listing section according to 37 C.F.R. §1.821(c), which includes new SEQ ID NO:13, which is the same as SEQ ID NO:7 but substituting SEQ ID NO:1 for the tripeptide linker used in SEQ ID NO:7. Clearly, this is not new matter as it is inherently a combination of SEQ ID NO:7 and SEQ ID NO:1 as previously claimed in claims 7 and 38. Furthermore, attached hereto is a 3 1/2" disk containing the

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"Sequence Listing" in computer readable form in accordance with 37 C.F.R. §1.821(e).

The following statement is provided to meet the requirements of 37 C.F.R. §1.825(a) and 1.825(b).

I hereby state, in accordance with 37 C.F.R. §1.825(a), that the amendments included in the substitute sheets of the sequence listing are believed to be supported in the application as filed and that the substitute sheets of the sequence listing are not believed to include new matter.

I hereby further state, in accordance with 37 C.F.R. §1.825(b), that the attached copy of the computer readable form is the same as the attached substitute paper copy of the sequence listing.

Under U.S. rules, each sequence must be classified in <213> as an "Artificial Sequence", a sequence of "Unknown" origin, or a sequence originating in a particular organism, identified by its scientific name.

Neither the rules nor the MPEP clarify the nature of the relationship which must exist between a listed sequence and an organism for that organism to be identified as the origin of the sequence under <213>.

Hence, counsel may choose to identify a listed sequence as associated with a particular organism even though that sequence does not occur in nature by itself in that organism (it may be, e.g., an epitopic fragment of a naturally

occurring protein, or a cDNA of a naturally occurring mRNA, or even a substitution mutant of a naturally occurring sequence). Hence, the identification of an organism in <213> should not be construed as an admission that the sequence *per se* occurs in nature in said organism.

Similarly, designation of a sequence as "artificial" should not be construed as a representation that the sequence has no association with any organism. For example, a primer or probe may be designated as "artificial" even though it is necessarily complementary to some target sequence, which may occur in nature. Or an "artificial" sequence may be a substitution mutant of a natural sequence, or a chimera of two or more natural sequences, or a cDNA (i.e., intron-free sequence) corresponding to an intron-containing gene, or otherwise a fragment of a natural sequence.

The Examiner should be able to judge the relationship of the enumerated sequences to natural sequences by giving full consideration to the specification, the art cited therein, any further art cited in an IDS, and the results of his or her sequence search against a database containing known natural sequences.

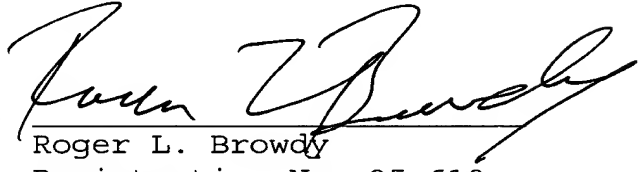
As all of the claims now present in the case have been indicated to be allowable and as the formalities noted by

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the examiner in the *Quayle* action have now been complied with,
reconsideration and allowance are earnestly solicited.

Respectfully submitted,

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IN THE SEQUENCE LISTING

Please substitute the attached Sequence Listing section for the lasted filed Sequence Listing.